

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TAMARA MOORE, et al.,

Plaintiffs,

v.

MARS PETCARE US, INC., et al.,

Defendants.

Case No. 16-cv-07001-MMC

**ORDER DENYING *DAUBERT*
MOTIONS; GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION TO EXCLUDE/STRIKE;
DEFERRING RULING ON
PLAINTIFFS' MOTIONS FOR CLASS
CERTIFICATION; SETTING BRIEFING
SCHEDULES**

Before the Court are “Defendants’ *Daubert* Motion to Exclude Plaintiffs’ Materiality Expert Thomas Maronick” (Doc. No. 277), “Defendants’ *Daubert* Motion to Exclude the Opinions and Testimony of Plaintiffs’ Proffered Consumer Survey Expert Rebecca Reed-Arthurs” (Doc. No. 278), “Defendants’ *Daubert* Motion to Exclude Plaintiffs’ Damages Expert Janet Netz” (Doc. No. 279), “Plaintiffs’ *Daubert* Motion to Exclude Joshua Anderson” (Doc. No. 304), “Plaintiffs’ *Daubert* Motion to Partially Exclude Sarah Butler” (Doc. No. 305), “Plaintiffs’ Motion to Exclude or Strike Docket Entry 350” (Doc. No. 353), “Plaintiff Greta L. Ervin’s Motion for Class Certification as to Defendant Royal Canin U.S.A., Inc.” (Doc. No. 261), “Plaintiffs’ Motion for Class Certification as to Defendant Hill’s Pet Nutrition, Inc.” (Doc. No. 262), and “Plaintiff Renee Edgren’s Motion for Class Certification as to Defendant Mars Petcare US, Inc.” (Doc. No. 264).

The matters came on regularly for hearing on November 17, 2023. Michael L. McGlamry and Kimberly J. Johnson of Pope McGlamry, P.C., Matthew D. Davis of Walkup, Melodia, Kelly & Schoenberger, Edward J. Coyne III of Ward and Smith, P.A.,


and Ellen M. Carey of Forde & O'Meara LLP appeared on behalf of plaintiffs. Hannah Y. Chanoine, Amy J. Laurendeau, and Bruce P. Crawford of O'Melveny & Myers LLP appeared on behalf of defendant Hill's Pet Nutrition. Stephen D. Raber and Joseph S. Bushur of Williams & Connolly LLP appeared on behalf of defendants Mars Petcare US and Royal Canin USA.

Having considered the papers filed in support of and in opposition to the motions, as well as the parties' respective oral arguments, the Court, for the reasons stated on the record at the hearing, rules as follows:

1. Defendants' *Daubert* Motions are hereby DENIED.
2. Plaintiffs' *Daubert* Motions are hereby DENIED.
3. Plaintiff's "Motion to Exclude or Strike Docket Entry 350" (Doc. No. 353) is hereby GRANTED as to Exhibit B and in all other respects DENIED.
4. Ruling on plaintiffs' Motions for Class Certification is hereby DEFERRED pending supplemental briefing.
5. The parties shall file, no later than December 1, 2023, a stipulated supplemental briefing schedule as to predominance and damages.
6. Plaintiff shall file, no later than December 1, 2023, any supplement to its Reply as to Cynthia Welton's adequacy as class representative, such filing to consist solely of citations to her deposition page numbers.

IT IS SO ORDERED.

Dated: November 21, 2023


 MAXINE M. CHESNEY
 United States District Judge